

Virginia Department of Motor Vehicles (DMV) Title VI Program Compliance Plan FY2021

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. The law was the model for several subsequent federal laws, regulations, and executive orders that prohibit discrimination based on sex, disability, age, low income, or limited English proficiency (LEP). Federal agencies are charged with overseeing compliance among grant recipients and often use “Title VI Program” to refer to the various non-discrimination requirements. Likewise, this Title VI Program Compliance Plan addresses the entirety of DMV’s effort to prevent and mitigate instances of discrimination. As the global response to the COVID-19 pandemic continues into 2021, DMV will remain vigilant to ensure that fear and prejudice does not limit access to services.

The protections against discrimination extend to all operations of an agency receiving federal assistance, not just to the grant-funded activity. The Civil Rights Restoration Act of 1987 clarified the broad institution-wide application of Title VI and other nondiscrimination statutes. The term “program or activity” means all operations, whether such programs and activities are federally funded or not.

Title VI Program Policy Statement

The Department of Motor Vehicles (DMV) rejects discrimination in all of its programs and activities. This includes discrimination based on race, color, national origin, sex, disability, age, low income, or limited English proficiency. Virginia law also protects against discrimination based on religion, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, and status as a veteran. Such discrimination is contrary to our mission of providing superior service and is inconsistent with federal and state laws. These laws include Title VI of the Civil Rights Act of 1964, the Virginia Human Rights Act, and the Virginia Values Act.

We are committed to providing an inclusive environment for all of our customers, employees, contractors, and vendors. While specific federal and state rules against discrimination vary in scope and applicability, it is our policy to adhere to these principles collectively.

The Federal Motor Carrier Safety Administration (FMCSA) Office of Civil Rights is an important partner in carrying out FMCSA’s Title VI Program regulations, including those at 49 C.F.R. Parts 21 and 303. As promised in the Title VI Program Assurance, DMV commits to uphold FMCSA requirements.

DMV’s Title VI Program details how this policy is to be effectuated. I delegate the authority to implement this program to DMV’s Title VI Program Coordinator. My direct reports and affected personnel are responsible for working with the Title VI Program Coordinator to effectively implement the Title VI Program.

Richard D. Holcomb Feb 4, 2021

Richard D. Holcomb, Commissioner Date

Title VI Program Compliance Plan Coordination

This section provides an overview of the agency, identifies key staff contacts, and describes DMV’s implementation of the various elements of the Plan.

The Title VI Program Coordinator is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

- Ensuring the Title VI Program Assurance is signed by the Commissioner:
- Providing Title VI Program training to agency staff:

- Developing Title VI and related nondiscrimination information for dissemination to the public;
- Facilitating the investigation of complaints of allegations of discrimination; and
- Developing and maintaining DMV's Title VI Program Compliance Plan.

Notification to beneficiaries and participants

This section describes how DMV disseminates information about rights against discrimination and how a person may complain or notify the agency about allegations of discrimination.

Website – English - <https://www.dmv.virginia.gov/about/#titlevi.asp> The Department of Motor Vehicles (DMV) rejects discrimination in all of its programs and activities. This includes discrimination on the basis of race, color, national origin, sex, disability, age, low income, or limited English proficiency. Virginia law also protects against discrimination based on religion, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, and status as a veteran. Such discrimination is contrary to our mission of providing superior service and is inconsistent with federal and state laws. These laws include Title VI of the Civil Rights Act of 1964, the Virginia Human Rights Act, and the Virginia Values Act. DMV's Title VI Program exists to receive and respond to allegations of discrimination.

How can I file a discrimination complaint? Any person or group that believes they have been subjected to discrimination may file a written allegation with DMV's Title VI Program Coordinator.

Please follow these guidelines to submit an allegation of discrimination:

- The allegation must be filed within 180 days of either the alleged occurrence or the date the person became aware of the alleged discrimination.
- The allegation must be in writing. Please use the form linked to below. If you cannot access the form or cannot write the allegation, contact the Title VI Program Coordinator to have the allegation reduced to writing.
- Submit the form to:

DMV Title VI Program Coordinator

2300 West Broad Street

Richmond, Virginia 23269

Link to complaint form: <https://www.dmv.virginia.gov/about/#titlevi.asp>

Website – Spanish

El Departamento de Vehículos Motorizados (DMV) rechaza la discriminación ilegal en todos sus programas y actividades. Esto incluye la discriminación por raza, color, origen nacional, sexo, discapacidad, edad, bajos ingresos o competencia limitada en inglés. La ley de Virginia también protege contra la discriminación basada en la religión, el embarazo, el parto o afecciones médicas relacionadas, y el estado civil.

Tal discriminación es contraria a nuestra misión de proveer un servicio superior y es inconsistente con las leyes

federales y estatales. Estas leyes incluyen el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Derechos Humanos de Virginia. El Programa Título VI del DMV existe para recibir y responder a las denuncias de discriminación ilegal.

¿Cómo puedo presentar una queja por discriminación?

Cualquier persona o grupo que crea que ha sufrido una discriminación ilegal puede presentar una alegación escrita con el Coordinador Título VI del DMV. Siga estas pautas para presentar una denuncia de discriminación:

- La denuncia debe presentarse dentro de los 180 días siguientes a la presunta ocurrencia o a la fecha en que la persona se enteró de la discriminación.
- La alegación debe ser por escrito, utilizando el formulario the "Title VI Complaint Allegation Form ([LGL 001](#))". Si no puede acceder al formulario o no puede escribir la alegación, póngase en contacto con el Coordinador del Título VI para que la alegación se reduzca a la escritura.
- Envíe el formulario a:

DMV Title VI Program Coordinator

2300 West Broad Street

Richmond, VA 23269

Notice of Title VI Program Rights

DMV rejects discrimination in all of its programs and activities. This includes discrimination on the basis of race, color, national origin, sex, disability, age, low income, or limited English proficiency.

Virginia law also protects against discrimination based on religion, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, and status as a veteran. Such discrimination is contrary to our mission of providing superior service and is inconsistent with federal and state laws. These laws include Title VI of the Civil Rights Act of 1964, the Virginia Human Rights Act, and the Virginia Values Act.

We are committed to providing an inclusive environment for all of our customers, employees, contractors, and vendors. While specific federal and state rules against discrimination vary in scope and applicability, it is our policy to adhere to these principles collectively.

Any person who desires more information regarding DMV's Title VI Program can contact its Title VI Coordinator at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, disability, income, status as a veteran or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence or the date the person became aware of the alleged discrimination to:

DMV Title VI Program Coordinator
2300 West Broad Street
Richmond, VA 23269

Sub-recipient compliance reports

DMV does not currently disburse FMCSA funds to sub-recipients.

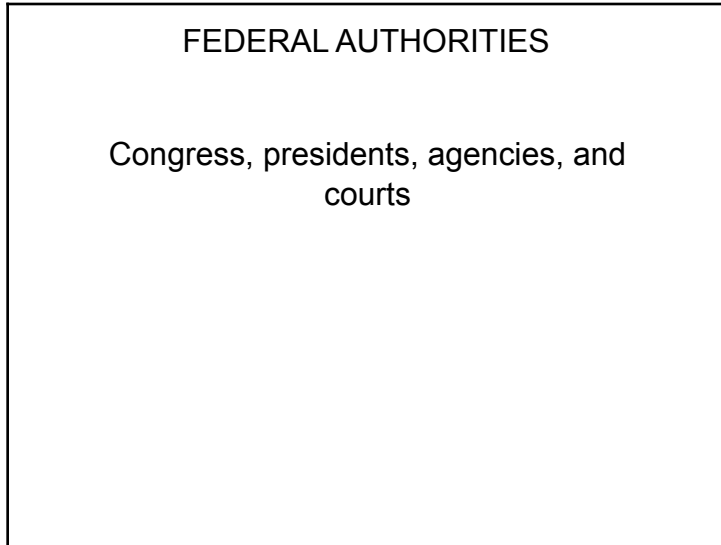
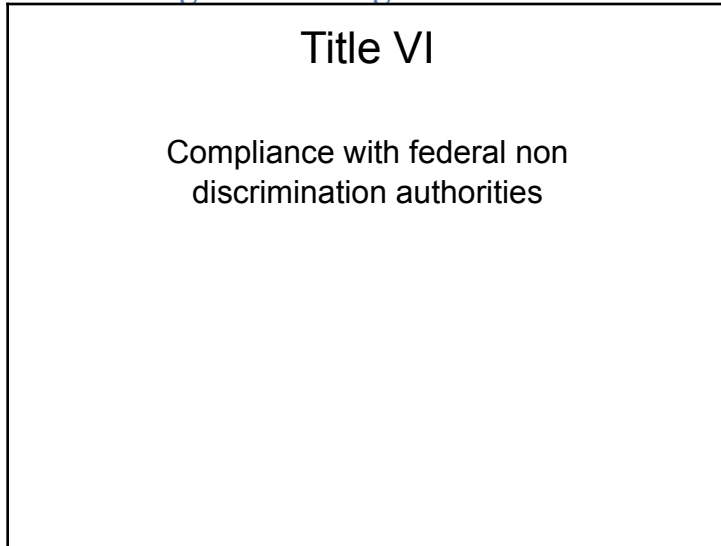
Training

The Title VI Coordinator is responsible for implementing a Title VI Program training program for all DMV personnel and sub-recipients. DMV has created a training module for employees that work at DMV customer service centers. The training helps employees better identify instances of discrimination and how to prevent it. This training builds on existing training about nondiscrimination in the employment context (Title VII) and our training regarding customers' rights to DMV records under the Freedom of Information Act. In 2020, ninety-two percent of DMV's active employees completed DMV's Anti-Discrimination training.

To develop the training, DMV training staff met with staff from the Customer Service Management Administration (CSMA), the section of DMV focused on our interactions with customers. The meetings focused on examples of customers claiming that discrimination occurred, and most examples cited involved actions based on existing policy, and not based solely on basis of race, color, national origin, sex, disability, age, low income, or limited English proficiency. The training staff is also studying unintentional bias.

DMV also developed the training represented below, offered as a PowerPoint presentation to DMV executive staff as an introduction to Title VI, generally, and the agencies obligations regarding the Title VI Program.

Title VI Program Training



No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VI of the Civil Rights Act of 1964 prohibits discrimination in programs and activities receiving federal financial assistance: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” 42 U.S.C. § 2000d.

Race, color, national origin, sex, disability, and age.

1975 Age
Discrimination Act

1990 Americans with
Disabilities Act

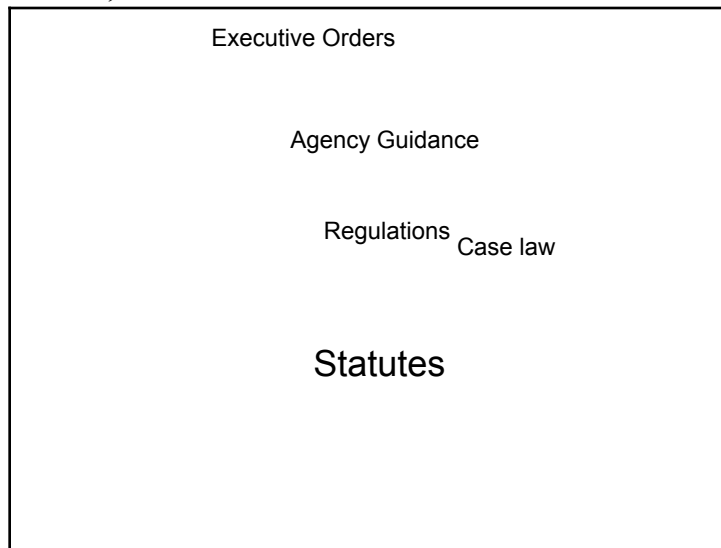
Federal-Aid Highway Act
of 1973 & 1972

1973 Rehab Act
Disability

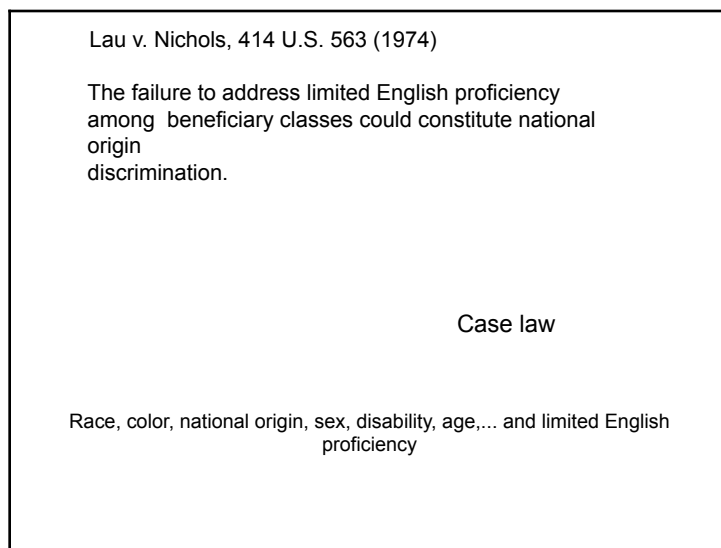
Education Amendments,
Title XI

1964 Civil Rights Act, Title VI
Race, color, or national origin

- Title VI conditioned federal spending on non-discrimination requirements.
- In subsequent years, Congress used the same model to prohibit more types of discrimination.
- Courts have “relied on case law interpreting Title VI as generally applicable to later statutes,” *Paralyzed Veterans*, 477 U.S. at 600 n.4.



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Federal agencies condition grant funds on compliance with Title VI and the various other laws, regulations, executive orders, and policies prohibiting forms of discrimination. To facilitate their oversight, some federal agencies require grant recipients and sub-recipients to have a Title VI program and produce a Title VI Program compliance plan, detailing the ways in which the grant recipient prevents, identifies, and corrects unlawful discrimination. For the plans and programs, “Title VI Program” refers to the collection of prohibitions of discrimination based on:

Race;

Color;

National origin;

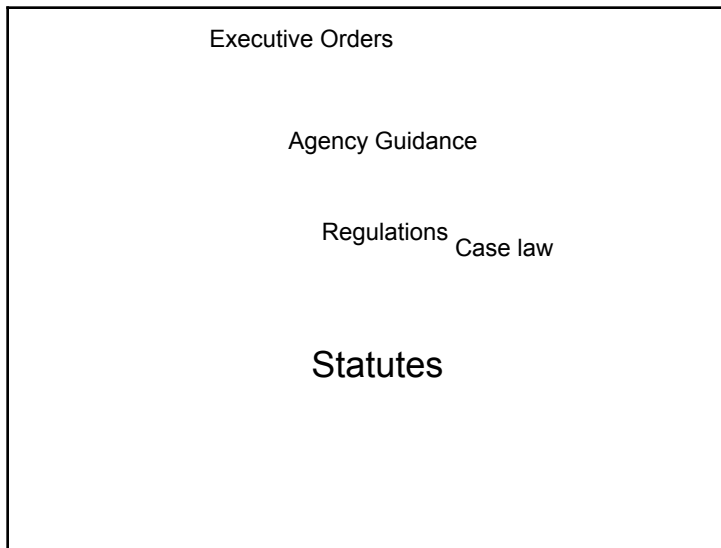
Sex;

Disability;

Age;

Low income; or

Limited English proficiency.



Executive Orders

EO 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (1994)

Agencies must avoid disproportionately high and adverse impacts on minority and low-income populations.

Race, color, national origin, sex, disability, age, limited English proficiency,
.... and low-income.

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Executive Orders

Agency Guidance

Regulations Case law

Statutes

AGENCIES

- Title VI § 601: discrimination prohibited

- Title VI § 602: agencies that extend financial assistance are “authorized and directed to effectuate” the statute “by issuing rules, regulations, or orders of general applicability...”

• Congress authorized and directed the Federal funding agencies to implement and enforce Title VI in their federally funded programs.

- What is “discrimination”?
- How do you show compliance?
- What if the discrimination is unintentional?
- What if it is caused by policy rather than a particular instance?

Agency regulations are where the rubber meets the road because agencies answer questions left open in the broad statutory language.

Department of Transportation Regulations

- DOT published Title VI regulations in 1970

49 CFR Part 21 - NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION

Department of Transportation Regulations

49 CFR § 21.5 Discrimination prohibited.

(a) General. No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) Specific discriminatory actions prohibited:

(1) A recipient to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner...

Department of Transportation Regulations

49 CFR § 21.5 Discrimination prohibited.

...

(b)(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

Department of Transportation Regulations

49 CFR § 21.5 Discrimination prohibited.

...

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

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How do we show compliance?

49 CFR § 21.9 Compliance information.

...

(b) Compliance reports. Each recipient shall keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. ...

Federal Highway Administration Regulations

- FHWA published Title VI regulations in 1976
- Unlike the general DOT regulations, FHWA's rules specifically outline the responsibility of State highway agencies.

23 CFR Part 200 - TITLE VI PROGRAM AND RELATED STATUTES—
IMPLEMENTATION AND REVIEW PROCEDURES

FMCSA's 2005 regulation

49 CFR 303.1 - Purpose.

[CFR](#) [at CFR](#) [Authorities \(U.S. Code\)](#) [prev](#) | [next](#)

§ 303.1 Purpose.

The purpose of this part is to provide guidelines and procedures for implementing the Federal Motor Carrier Safety Administration's (FMCSA) Title VI program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations. For FMCSA-only programs or activities, Federal financial assistance recipients or grantees will continue to apply and use the Departmental Title VI provisions at 49 CFR part 21. For joint and multi-agency programs/projects, FMCSA Federal assistance recipients or grantees must use the Title VI requirements at 49 CFR part 21, unless agreement is reached by the Federal funding agencies for the recipients to use the Title VI procedures of another agency.

FMCSA

Elements required for our Title VI Program

Ten elements required

1. Policy statement;
2. Assurance;
3. Description of grant programs;
4. Outreach;
5. Sub-recipient oversight;
6. Training;
7. Records open to FMCSA;
8. Complaint process;
9. Status of corrective actions; and
10. Community Participation Process.

Ten elements required

1. Policy statement;
 2. Assurance;
- These will be a good starting point for our meeting with FMCSA.
 - The assurance is our promise to comply with all relevant non discrimination laws.
 - Our draft policy statement describes our rejection of unlawful discrimination as contrary to our mission to provide superior service.

Ten elements required

3. Description of grant programs;

- Identify the program purpose; and
- Describe how the program impacts customers and public.

Ten elements required

4. Outreach;

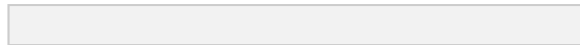
- Prepare notices to inform customers of rights against discrimination, how to get more information, and how to file a complaint.

Ten elements required

5. Sub-recipient oversight:

- Establish process to monitor sub-recipients.

Ten elements required



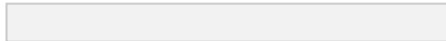
- Training for all staff to understand how activities impact customers.
- Describe role of Title VI Coordinator.
- Describe impacts of driver tests, vehicle inspections, and enforcement activities.
- Train for non-discrimination compliance reviews.

Ten elements required



- Make all records relating to implementing Title VI program available to FMCSA for review at specified time or for specific investigations or reviews.

Ten elements required



- Establish process for handling discrimination-related complaints, including:
 - Intake
 - Investigation
 - Reporting
 - Resolution

Ten elements required



- FMCSA or another federal agency may identify deficiencies during a Title VI compliance review.
- List any identified deficiencies and describe status.

Ten elements required

10. Community Participation Process

- If DMV considers taking action that may reduce the number of CSCs or DMV services offered, DMV will determine the impact and availability of services.
- DMV will engage in community outreach on a scale relative to the impact of decreased services, including an intensive outreach effort if traditional outreach efforts are inadequate and customers are effectively without DMV service.

Other relevant trainings

Culturally Competent Customer Service: Participants learn strategies for providing outstanding service to diverse customers. This course focuses on interacting with internal and external customers from varied cultures, understanding the impacts of diversity on the service experience, and communicating effectively and respectfully to a diverse customer base.

Navigating the Generations: Participants learn about the four generational work styles and the characteristics that make each style unique. Students also learn to assess and adapt individual behaviors to accommodate generational differences for a more productive environment.

Limited English Proficiency (LEP)

According to the four-pronged analysis provided by the U.S. Department of Transportation (DOT), DMV will assess its LEP accommodation in programs identified by DMV and FMCSA. DMV has substantial contact with Virginians and other members of the public conducting vehicle transactions and testing for licensure, increasing the possibility for discrimination or a disparate impact based on persons' inability to communicate in English. DOT has issued guidance for developing a plan regarding LEP compliance, which notes that grant recipients must take "reasonable steps to ensure meaningful access to their programs and activities by LEP persons." 70 FR 74087, 74091. A reasonable approach balances the following four factors:

- Number or proportion of LEP persons affected;
- Frequency with which LEP persons affected;
- Nature and importance to people's lives; and
- Resources and costs.

Driver's Manual and driver's license testing

The Virginia Driver's Manual is available online in PDF format and by hard copy at customer service centers. DMV provides the manual in English and Spanish.

To obtain a Virginia driver's license, a person takes a knowledge exam and a road skills test. DMV offers the knowledge exam in 26 languagesⁱ. The available languages are:

- English
- American Sign Language (ASL)
- Amharic (Ethiopian)
- Arabic
- Chinese/Mandarin
- Chinese/Mandarin (Traditional)
- Dari
- Farsi
- French

- German
- Haitian Creole
- Italian
- Japanese
- Korean
- Kurdish
- Mongolian
- Nepali
- Pashto
- Punjabi
- Russian
- Spanish
- Thai
- Twi (Akan)
- Turkish
- Urdu
- Vietnamese

DMV administers the road skills test in English. Prior to a road test, a DMV employee administers a pre-check to determine (1) whether the customer can sufficiently understand given directions to operate a motor vehicle safely, and (2) whether the motor vehicle is in working order.

Access to Records

DMV acknowledges its responsibility to provide access to records that demonstrate compliance with Title VI and related non-discrimination authorities. DMV will ensure that records relating to the effective implementation of this plan are available for review by the FMCSA upon demand or by periodic submission to FMCSA.

To ensure that Title VI Program reporting requirements are met, DMV

maintains: • A log and database of Title VI complaints received and their disposition;

- A log of employee training for Title VI compliance;
- A log of the public outreach activities; and
- A copy of training materials relating to non-discrimination and Title VI Program compliance.

Maintenance of these records is the responsibility of the Title VI Program Coordinator. Investigative files are confidential and will be maintained by DMV. The contents of such files are disclosed only to those individuals with the authority to examine such files in accordance with state and federal laws. DMV will retain files as required by the Virginia record retention schedules and in accordance with federal guidelines.

Complaint disposition process

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin income level, or Limited English Proficiency has the right to file a formal complaint of discrimination under Title VI and related statutes and authorities. The complaint may be filed by an affected individual or representative and must be in writing. The complaint may be filed with the Title VI Program Coordinator. The Title VI Program Coordinator is responsible for the complaint process.

Filing a Complaint

The complaint must be filed no later than 180 days after the date of the alleged act of discrimination or the date the person(s) became aware of the alleged discrimination. The complaint must be in writing. If a person is unable to produce a written complaint, DMV will assist the complainant in converting a verbal complaint into a written complaint. The complainant, however, must sign the complaint. Complainants shall explain, as fully as possible, the facts and circumstances surrounding the alleged discrimination, and identify the individual(s) and/or organization(s) responsible for the alleged discrimination.

Signed allegations of discrimination received by facsimile or email will be acknowledged and processed. Complaints received by telephone will be reduced to writing and then provided to the complainant for confirmation, revision, and signature before processing.

The complaint will include:

- The complainant's name, address, and telephone number;
- Name and address of the individual, agency, institution, or department alleged in complaint; and
- How, why, and when alleged discrimination occurred; and any other relevant information.

Intake

The Title VI Program Coordinator will review the complaint to ensure that relevant information is provided, the complaint is timely, and that DMV is the proper agency to receive it. Any complaints received by DMV will be forwarded to the Title VI Program Coordinator.

The Title VI Program Coordinator will perform an initial analysis to determine if an allegation will be received as a Title VI complaint. If it is not, the Title VI Program Coordinator will forward the allegation to the proper agency, respond to the submitter, or take other appropriate action.

The allegation will be accepted as a complaint unless it is withdrawn, not filed timely, is not within DMV jurisdiction, or if the complainant fails to provide required information after several requests.

If accepted as a complaint, the Title VI Program Coordinator will contact the relevant parties in DMV to obtain a written response to the complaint. The Title VI Program Coordinator will then determine whether to complete the complaint process with the information provided by the complainant and the agency or to conduct further investigation.

Investigation

The Title VI Program Coordinator will address only those issues relevant to the allegations in the complaint and maintain confidentiality to the fullest extent possible.

Within 40 days of receiving the complaint, the Title VI Program Coordinator or a designated investigator will prepare an investigative report.

Resolution

For allegations and accepted complaints, the Title VI Program Coordinator will acknowledge receipt and inform the complainant of the action taken.

Reporting and Recordkeeping

DMV will keep and make available to FMCSA upon request a log of all complaints received.

Title VI Complaint Form

The Department of Motor Vehicles (DMV) rejects discrimination in all of its programs and activities.

Title VI of the 1964 Civil Rights Act and related non-discrimination authorities prohibit discrimination on the basis of race, color, national origin, low income, or Limited English Proficiency. Use this form to record any allegation or allegations of discrimination. The information you provide allows us to process your complaint.

Complete the form and submit it to Virginia DMV Title VI Program Coordinator, 2300 West Broad Street, Richmond, Virginia 23269.

You may attach any written materials or other information that you think is relevant to your complaint. Contact the DMV Title VI Program Coordinator if you need assistance in completing this form. The DMV phone number is (804) 497-7100. For deaf and hard of hearing customers, call 711 or (800) 828-1120 (Virginia Relay).

PLEASE PRINT

Name: _____

Address: _____ City,

State: _____

Zip: _____

Telephone Number(s): _____

Person(s) subjected to alleged discrimination (if other than person filling out form)

Name: _____

Address: _____ City,

State: _____ Zip:

_____ Telephone

Number(s): _____ Please

explain your relationship to this person(s): _____

Do you believe you were discriminated against because of your:

Race/Color _____ National Origin _____ Low Income _____ Disability _____

Limited English Proficiency _____ Other _____

What date did the alleged discrimination take place? _____

Describe what happened and who you believe was responsible. (Please use the back of this form or additional paper if needed.)

Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes _ No _

did you file this complaint with? _____

Name: _____

State: _____ Zip: _____

Please sign below.

Signature Date

No.	Case No.	Date Received	DOI	Last Name	First Name	Ethnicity	Complaint Type	Due Date	Resolution	Date Completed
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										d
1	SMV2020-1	2/3/2020	2/3/2020	█████ █	█████ █	unk	ADA	4/1/2020	Unsubstantiated	2/7/2020
2	DMV2020-2	2/3/2020	1/31/2020	█████	█████ █	unk	ADA	4/1/2020	Resolved by CSC Management	2/10/2020
3	DMV2020-3	2/10/2020	2/10/2020	█████	█████	unk	Child Citizen Act of 2000	4/3/2020	Resolved by CSC Management	2/14/2020
4	DNV2020-4	2/10/2020	2/6/2020	█████	█████		National Origin	4/3/2020	Resolved by CSC Management	2/12/2020
5	DMV 2020-5	5/19/2020	5/17/2020	█████	███	unk	Age	7/15/2020	Referred to Medical Review	5/21/2020
6	DMV 2020-6	6/26/2020	6/23/2020	█████	█████	unk	ADA	8/21/2020	No Violation	7/8/2020
7	DMV 2020-7	7/10/2020	7/6/2020	█████	█████	unk	ADA	9/4/2020	Referred to Medical Review	7/13/2020
8	DMV 2020-8	7/27/2020	7/25/2020	█████	█████	unk	Race	9/22/2020	Resolved by CSC Management	7/31/2020
9	DMV 2020-9	8/19/2020	8/18/2020	█████	█████	unk	ADA	10/15/2020	No Violation	8/21/2020

Evaluating complaints not characterized as Title VI complaints.

The Title VI Program Coordinator and the Customer Service Management Administration personnel will meet annually to assess citizen complaints that are not characterized as Title VI complaints. DMV will use this information to develop processes for evaluating general complaints and proactively identify issues related to Title VI.

Status of corrective actions

If DMV has previously been reviewed by FMCSA or another federal agency for Title VI Program compliance, DMV will reference any deficiencies identified by the agency and provide the status of corrective actions.

Description of Federal-Aid Programs

DMV anticipates applying in FY2021 for federal assistance under the grant programs described below, and will update this plan with the appropriate descriptions upon seeking additional assistance.

Innovative Technology Deployment Program (ITD)

The Commonwealth of Virginia shares the Federal Motor Carrier Safety Administrations' (FMCSA's) Innovative Technology Deployment Program (ITD) mission to reduce crashes, injuries, and fatalities involving large trucks and buses. To accomplish this mission, Virginia promotes safety and enforces laws and regulations that protect the citizens of the Commonwealth.

The Virginia Innovative Technology Deployment Program (ITD) Expanded Program Plan/Top-Level Design details the activities of an effort undertaken by the Commonwealth of Virginia in partnership with the FMCSA, numerous other states, and other organizations involved in the commercial vehicle operations aspects of Intelligent Transportation Systems.

Project: ITD Fees and Dues

This project provides funding for ITD related fees and dues. Virginia will maintain the membership fees and dues that support Virginia's credentialing, roadside, and safety efforts through participation in electronic interfaces with national entities. Virginia will pay CVIEW maintenance fees that cover hardware, software, and any updates to the CVIEW system. The maintenance will allow Virginia to stay up to date and ITD compliant.

Performance and Registration Information System Management (PRISM) (sub recipient to Virginia State Police)

Virginia's PRISM program promotes commercial motor vehicle (CMV) safety by determining the operating status of a motor carrier when licensing or registering the carrier or by monitoring the operating status while the license or registration is in effect and by denying, suspending, or revoking CMV registrations of a motor carrier that has been issued an operations out-of-service (OOS) order by FMCSA.

DMV uses two mobile enforcement units throughout Virginia to identify carriers with outstanding credential issues, federal out of service orders, outstanding fees, or other outstanding compliance issues. DMV is currently replacing one unit and will need to replace the second unit soon.

DMV's grant-funded project will help DMV to identify vehicles assigned to carriers under a Federal OOS order or operating without operating authority, and to take the appropriate enforcement action by placing the vehicle in OOS status.

Virginia is also working to more fully automate its vehicle registration suspension, revocation and plate pickup processes for vehicles subject to a federal out of service order. Although parts of the process are automated and FMCSA is pleased with how quickly Virginia is revoking registration and picking up license plates, further automation will introduce greater efficiency and should further reduce process time.

Additional system changes were being made in 2017 to provide law enforcement personnel at roadside access to registration suspension/revocation information using inquiries through the Virginia Criminal Information Network (VCIN).

Lastly, as Virginia has replaced its IRP, IFTA and webCAT system with Virginia MCS, the PRISM

data collection, verification and validation requirements have been incorporated into the new system.

State Safety Data Quality (SSDQ)

Virginia DMV will use funds from this grant to improve the accuracy, completeness, and timeliness of crash data, in particular bus and truck data, and their entry into SAFETYNET, FMCSA's database management system that allows entry, access, analysis, and reporting of data from driver/vehicle inspections, crashes, compliance reviews, assignments, and complaints.

DMV uses SSDQ funding in connection to its Traffic Records Electronic Data System (TREDS), which was created with resources provided by federal highway safety grant funds administered by the National Highway Traffic Safety Administration (NHTSA). Specifically, SSDQ resources support IT services, a data quality staff person, and training.

TREDS collects and then electronically transmits data on large truck and bus crashes that meet FMCSA criteria for the SafetyNet system at the Virginia State Police (VSP). Once VSP staff performs its process, they then upload this data to FMCSA's MCMIS database. VAHSO also uses the TREDS data for analysis and reporting.

Community Participation Process

Virginia DMV conducts motorist licensure and vehicle titling and registration services at customer service centers (CSCs) throughout the Commonwealth. Therefore, DMV will evaluate the impact on customers resulting from an increase or decrease in CSCs or services offered at CSCs. The outcome of this evaluation will determine what level of outreach, if any, is necessary to inform DMV customers of the change and the available alternatives to obtaining DMV services.

If DMV will be decreasing the number of CSCs or services offered, DMV will determine: (1) the scope of the decrease and (2) the availability of services in lieu of what is decreased. The scope of the decrease will show whether it is local, regional, or state-wide. DMV will then determine what alternative access is available to other CSCs and other service methods. This analysis will result in a severity level for the decrease, ranging from changes that are not discernable to those that are highly burdensome.

DMV's level of outreach to customers will align with the severity level of the change. If DMV determines that traditional outreach strategies will not suffice and that customers will be effectively without DMV services, DMV will initiate an intensive outreach effort to notify customers and solicit feedback regarding the impact of the proposed changes. An intensive outreach effort will include:

- **Identify and list stakeholders.** Stakeholders include affected customers, groups that have an interest in the service, and representative community groups. For purposes of the report (see

below), the list of stakeholders will include demographic information for affected customers regarding race, color, national origin (including Limited English Proficient individuals), sex, age, disability, and income-level.

- **Publicize changes.** DMV will use its expertise in communications strategies to notify customers of the proposed change to the greatest number of customers in an accessible and inclusive manner to promote effective public participation.
- **Plan and conduct public meetings.** DMV will determine an effective number of public meetings to hold, where to hold them, and how best to notify customers.
- **Review and analyze comments.** After the outreach effort, DMV will review and analyze the comments received about access to CSCs or services resulting from the proposed change. •

Written report. DMV will prepare a report to capture the results of the intensive outreach effort and submit it to FMCSA. If DMV proceeds with the change, it will continue to monitor feedback about the change, re-evaluate as needed, and make appropriate adjustments. Further, DMV will notify customers of the protections available under the Title VI Program. • **Pandemic Response** Because of DMV's service model change to appointment due to the Novel Coronavirus (COVID19) pandemic, DMV is conducting routine surveys of customers who have made appointments to get feedback regarding satisfaction with service availability, service experience, office safety protocols, and more. To ensure the continued safety of DMV's customers and employees, DMV actively participates in the state's guidance document public review process.

DOT Order No. 1050.2A

The Commonwealth of Virginia Department of Motor Vehicles (herein referred to as the “Recipient”), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*); •
49 C.F.R. Part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);

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- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,”

respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities.

Executive Order 12898, 3 C.F.R. 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

<http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>.

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

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Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FMCSA Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Commonwealth of Virginia Department of Motor Vehicles, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

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8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

- b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Commonwealth of Virginia Department of Motor Vehicles also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Commonwealth of Virginia Department of Motor Vehicles gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on Virginia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Richard D. Holcomb Feb 4, 2021

Holcomb, Commissioner Date

Richard D.

Holcomb
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Richard D.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
- a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
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6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B: CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Commonwealth of Virginia Department of Motor Vehicles will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the

Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Commonwealth of Virginia Department of Motor Vehicles all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Commonwealth of Virginia Department of Motor Vehicles and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Commonwealth of Virginia Department of Motor Vehicles, its successors and assigns.

The Commonwealth of Virginia Department of Motor Vehicles, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Commonwealth of Virginia Department of Motor Vehicles will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land

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and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

APPENDIX C: CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Commonwealth of Virginia Department of Motor Vehicles pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Virginia Department of Motor Vehicles will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Virginia Department of Motor Vehicles will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Commonwealth of Virginia Department of Motor Vehicles and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

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APPENDIX D: CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Commonwealth of Virginia Department of Motor Vehicles pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs,

personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Virginia Department of Motor Vehicles will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Virginia Department of Motor Vehicles will there upon revert to and vest in and become the absolute property of Commonwealth of Virginia Department of Motor Vehicles and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by [49 C.F.R. § 21.1 et seq.](#) and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42

U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, ([102 Stat. 28](#)), (“....*which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with

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disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by [49 C.F.R. § 25.1 et seq.](#)

ⁱ The available languages are:

- English
- American Sign Language (ASL) •
- Amharic (Ethiopian)
- Arabic
- Chinese/Mandarin
- Chinese/Mandarin (Traditional) •
- Dari
- Farsi
- French
- German
- Haitian Creole
- Italian
- Japanese
- Korean
- Kurdish
- Mongolian
- Nepali
- Pashto
- Punjabi
- Russian

- Spanish
- Thai
- Twi (Akan) •
- Turkish
- Urdu
- Vietnamese

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Signature: Email:

Richard D.

Holcomb

Richard D. Holcomb (Feb 4, 2021 11:14 EST)

richard.holcomb@dmv.
virginia.gov

Virginia DMV Title VI Program Compliance Plan FY 2021.FINAL2.4.21

Final Audit Report 2021-02-04

Created: 2021-02-04

By: Charlene Hinton (charlene.hinton@dmv.virginia.gov)

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